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Message Text

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ACTION EB-08

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FM USMISSION OECD PARIS
TO SECSTATE WASH DC PRIORITY 5748
INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 OECD PARIS 07754

EXCON

E.O. 11652: XGDS1
TAGS: ESTC, COCOM
SUBJ: BELGIAN DEL TO PROPOSE NEW COCOM EMBARGO CRITERIA

1. BELGIAN DEL, WILLY STEVENS, ANNOUNCED AT COCOM MEETING 3/15 HIS DELEGATION'S INTENTION TO SUBMIT A MEMORANDUM TO THE COMMITTEE WITHIN TWO WEEKS PROPOSING A NEW COCOM CRITERION WHICH WOULD PROVIDE FOR AUTOMATIC FREEING FROM EMBARGO OF OBSOLESCENT EQUIPMENT. PROPOSAL WOULD PROVIDE THAT EQUIPMENT EMBARGOED UNDER THE INTERNATIONAL LIST WOULD AUTOMATICALLY BE FREED FROM EMBARGO 5 YEARS AFTER EQUIPMENT HAD BEEN COMMERCIALLY AVAILABLE IN A COCOM MEMBER COUNTRY UNLESS THE COMMITTEE UNANIMOUSLY AGREED TO THE RETENTION OF EMBARGO COVERAGE. CRITERIA WOULD NOT APPLY TO ATOMIC ENERGY OR MUNITIONS LIST.

2. STEVENS STATED THAT HIS AUTHORITIES WERE DISTURBED BY WHAT THEY PERCEIVED AS AN EXPANDING EMBARGO LIST AND A GROWING CONGESTION IN COCOM OF EXCEPTION REQUESTS. THE EMBARGO, HE SAID, PRESENTLY COVERED NUMEROUS ITEMS OF EQUIPMENT AND TECHNOLOGY WHICH WERE NO LONGER OF ANY REAL STRATEGIC CONCERN. ONCE EQUIPMENT WAS PUT UNDER CONFIDENTIAL

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EMBARGO, HE SAID, IT WAS EXTREMELY DIFFICULT TO GET IT REMOVED DESPITE THE FACT THAT IT HAD BECOME OBSOLESCENT. HIS AUTHORITIES BELIEVED THAT AFTER AN ITEM HAD BEEN AVAILABLE COMMERCIALLY FOR FIVE YEARS, THERE WAS A GROWING PRESUMPTION THAT IT WAS OBSOLESCENT AND THAT THE COMMITTEE SHOULD THEN BE CALLED UPON UNANIMOUSLY TO DETERMINE WHETHER THE ITEM STILL MERITED EMBARGO COVERAGE.

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HIS AUTHORITIES WERE NOT WEDDED TO THE FIVE YEAR PERIOD, HE SAID, BUT THEY WERE CONVINCED OF THE NEED FOR AUTO MATIC REMOVAL FROM EMBARGO COVERAGE.
3. STEVENS ASKED THAT THE COMMITTEE SCHEDULE DISCUSSION OF HIS PROPOSAL PRIOR TO HOLDING DISCUSSIONS ON ORGANI-ZATION OF LIST REVIEWS ON GROUNDS THAT CHANGE IN COCOM CRITERIA WOULD AFFECT THE LIST REVIEW DISCUSSIONS. US DEL VIGOROUSLY OPPOSED THIS SUGGESTION STATING THAT CHANGES IN CRITERIA RAISED COMPLICATED POLITICAL QUEST-IONS WHICH COULD NOT BE RESOLVED SOLELY WITHIN THE COMMITTEE OR WITHIN A RELATIVELY SHORT TIME FRAME. US DEL WAS SUPPORTED BY UK, JAPANESE AND CANADIAN DELS. DUTCH, NORWEGIAN AND FRENCH DELS SUPPORTED BELGIAN DEL. CHAIRMAN PROPOSED A COMPROMISE THAT BOTH BELGIAN PRO-POSAL AND LIST REVIEW ORGANIZATION DISCUSSIONS BE SCHE-DULED FOR SPECIAL SESSION MONDAY, MAY L6. IF DELEGATION S WERE NOT PREPARED TO DISCUSS CRITERIA AT THAT TIME, HE SAID THEN DISCUSSION WOULD TURN DIRECTLY TO LIST RE-VIEW ORGANIZATION. IF ON THE OTHER HAND, DEBATE ON THE BELGIAN PROPOSAL DRAGGED ON, HE WOULD RECESS DEBATE THIS ITEM AFTER TWO DAYS DISCUSSION AND THE COMMITTEE WOULD TURN TO LIST REVIEW TOPIC. DEBATE ON BELGIAN PROPOSAL WOULD BE RESUMED SUBSEQUENTLY. CHAIRMAN'S COM-PROMISE WAS ADOPTED ALTHOUGH US DEL MAINTAINED THAT ISSUES RAISED WERE DISTINCTLY SEPARATE AND THAT COMMITT-EE WAS ENDANGERING TIMELY DISCUSSION ON LIST REVIEW ORGANIZATION BY LINKING IT TO DISCUSSION OF BELGIAN PROPOSAL.

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4. BELGIAN DEL TOLD US DEL PRIVATELY THAT HIS AUTHORITIE S HAD DECIDED UPON THIS PROPOSAL AS AN ALTERNATIVE TO BELGIAN'S UNILATERALLY DECLARING THAT IT WOULD ACCEPT THE EMBARGO STATUS FOR CURRENTLY EMBARGOED ITEMS, AS WELL AS ANY ITEM THAT WOULD BECOME EMBARGOED, FOR A MAXIMUM OF 5 YEARS WITH THE OPTION OF AGREEING TO THE CONTINUED EMBARGO STATUS OF SPECIFIC EQUIPMENT IF IT FELT THAT EQUIPMENT WAS OF CONTINUED STRATEGIC CONCERN. HE SAID THAT IF BELGIAN CRITERIA PROPOSAL WERE NOT AC-CEPTED HIS AUTHORITIES WOULD MAKE SUCH A UNILATERAL DECLARATION.

5. COMMENT: US DEL BELIEVES THAT WHILE THERE IS LITTLE MERIT IN BELGIAN PROPOSAL, IT MAY SET THE STAGE FOR GENERAL DISCUSSION OF COCOM CRITERIA AND NATURE AND SCOPE OF COCOM EMBARGO. BELGIAN PROPOSAL ITSELF

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EXCON

MUST APPEAR UNWORKABLE AND UNACCEPTABLE TO MAJORITY OF COCOM DELS. UK DEL HAS ALREADY INDICATED TO US DEL THAT IT WOULD BE UNACCEPTABLE TO HIS AUTHORITIES. IDEA THAT ANY ONE DELEGATION COULD CAUSE ITEM TO BE REMOVED FROM EMBARGO LIST AFTER 5 OR SO YEAR PERIOD COULD ONLY BE VIEWED AS DRASTIC INVERSION OF CURRENT UN-
ANIMITY PRACTICE AND AS DANGEROUS TO THE CONTIN-
UED OPERATION OF THE EMBARGO ITSELF.

6. BELGIAN PROPOSAL SPEAKS IN TERMS OF SPECIFIC EQUIP-
MENT WHILE EMBARGO IS STRUCTURED IN TERMS OF DEFINITIONS DESCRIBING EQUIPMENT IN GENERIC TERMS OR ACCORD-
ING TO CHARACTERISTIC AND PERFORMANCE PARAMETERS. TASK OF ACCUMULATING LIST OF SPECIFIC EQUIPMENT EMBARGOED AND DATES AT WHICH ITEMS OR MODELS BECAME COMMERCIALLY AVAIL-
ABLE WOULD UNDOUBTEDLY BE BEYOND RESOURCES OF COCOM AS NOW STRUCTURED.

7. CONCEPT THAT QUANTIFIES STRATEGIC OBSOLESCENCE IN TERMS OF YEARS OR COMMERCIAL AVAILABILITY IS ALSO UNTEN-
ABLE. ITEM'S STRATEGIC OBSOLESCENCE IS INDEPENDENT OF BOTH TIME AND COMMERCIAL AVAILABILITY FACTORS. INCLUD-
ING SUCH A CONCEPT IN THE EMBARGO WOULD ONLY GIVE RISE
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TO FALSE PRESUMPTIONS AND MISPLACE THE BURDEN OF PROOF. NEVERTHELESS, US AUTHORITIES SHOULD BE PREPARED DISCUSS BELGIAN PROPOSAL ON 16 MAY DATE AND BE READY TO DEFEND PRESENT CONCEPT AND OPERATION OF COCOM EMBARGO. CONSIDERATION MIGHT BE GIVEN TO SENDING DELEGATION FROM WASHINGTON TO ATTEND THESE DISCUSSIONS, AND POSSIBLE TAKING THE MATTER UP BILATERALLY IN BRUSSELS AT AN APPROPRIATE TIME, PERHAPS TO DISSAUDE BELGIANS FROM SUBMITTING THIS PROPOSAL. US DEL WILL REPORT ON PROPOSAL ITSELF WHEN ACTUALLY RECEIVED AND ON REACTION OF OTHER DELEGATIONS BY SEPTELS.
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